



**REGULAR MEETING
MINUTES
for
September 23, 2002, 6:00 p.m.
Art Pick Council Chamber
3900 Main Street, Riverside, CA**

Present: Commissioners Brewer, Davidson, Floyd, Garcia, Gardner, Howe, Huerta and Ward

Absent: Commissioner Hendrick

Chairperson Brewer called the meeting to order at 6:04 p.m. and led in the Pledge of Allegiance.

Motion was made by Commissioner Howe and seconded by Commissioner Gardner to approve the minutes for the August 2002 monthly meeting. Motion passed with one abstention.

Executive Director's Report & Comments

Executive Director Williams had nothing independent of other agenda items.

Commissioner's Comments

Commissioner Huerta commented on the number of people attending the meeting, saying that it was unusual and asked if the number of people in attendance could somehow be noted in the minutes.

Chairperson Brewer noted that on Tuesday, October 22 at 6:15 p.m. the Commission has been invited by the City Council to participate in a photo op at the Council Chambers. There would also be a five-minute presentation to Council with 15 minutes for questions and answers.

Public Comments

There were no public comments.

Call to Participate at the Community Strategy Meeting

Karen Aquino from RPD spoke about the Community Strategy Meeting, which is going to be held on October 26 at the Riverside Convention Center. She said that the City Manager is going to hold a community strategizing session and that he is inviting members of the boards and commissions to participate and play a role in helping decide the future of the City. She said that 30+ issues have been

identified as important to the City including annexation, Park and Rec, youth issues, etc.

Ms. Aquino introduced Sharon Cooley from Budget, saying that she has been very instrumental in putting this program together for the new city manager.

Ms. Aquino invited the commissioners as well as anyone they would like to bring with them. She asked that the commissioners RSVP and let them know if they would be bringing someone with them. She encouraged the commissioners to invite friends and neighbors to attend.

Discuss and vote on proposals to change minimum time period for commissioner review of cases from 10 days to some other great time period

Executive Director Williams said that after discussion with some commissioners and Ms. Sherron, it was decided that cases for the next meeting would be given to the commissioners at the current meeting, giving the commissioners at least two weeks in which to review the new cases. This would eliminate the need to hand-deliver cases and the commissioners would have ample time to review the cases.

Commissioner Huerta stated that she may have been “the one who generated this,” but that her intent was not to change the By-Laws but to try to comply better with them. She said that “through some flukes of scheduling” she had received cases only a few days prior to the scheduled meeting. She commented that there was no way she could do a fair and adequate job in such a short period of time. She finished by saying that the By-Laws are adequate as long as the commissioners get the cases in a reasonable amount of time.

Vice-Chair Gardner said he felt that 10 days was an adequate time frame. He noted that a criticism of the Commission that he doesn’t think is fair but could become fair, is that the Commission slows things down. He said that if the By-Laws are changed to give commissioners more time in which to study the cases up for review, it could unnecessarily delay action on cases, which in turn delays the City’s decision on a complaint. He said he’d rather not extend the time frame, if possible. He said that if there’s a reasonable explanation, he doesn’t have a problem with getting a case in less than the 10-day time period. He said that he supported the Executive Director’s method of delivering cases to the commissioners.

Executive Director Williams said that Vice-Chair Gardner was correct when he said that it has been some said that having the Commission inserted in the complaint process slows it down. Mr. Williams said that was not so. He said that when he first came to work for the City, he said that two of the first complaints he had – one from a citizen and one from an officer - were regarding the length of time it took to get a complaint investigation completed. He said that complaints are being completed quicker now than they were prior to the establishment of the CPRC.

Commissioner Howe also voiced his support of the Executive Director’s method of delivering cases to the commissioners. He made a motion to approve the recommendation with Commissioner Garcia seconding the motion, which passed unanimously.

Discussion and Vote on changing regular monthly meetings from Monday to Wednesday

Chairperson Brewer referred this item to the Executive Director. Mr. Williams began by stating that the original meeting date had been chosen because the Council Chambers were available and that was the one day that everyone had free. He said that the individuals who had conflicts on other days are no longer on the Commission. He said that the current schedule is now creating a conflict with some of the commissioner’s schedules and after some research, suggested Wednesdays.

Commissioner Floyd said that the second and fourth Wednesdays wouldn’t be a problem for him. He proposed that the case review meetings be held on the second Wednesday of the month and the regular

meetings be held on the fourth Wednesday.

Chairperson Brewer noted that if there are no cases to review, a case review meeting wouldn't be held.

Commissioner Floyd made a motion to accept the date change for the regular and case review meetings. Commissioner Garcia seconded. The Chair asked if there was any further discussion.

Commissioner Ward said that he is committed every Wednesday.

Vice-Chair Gardner asked if the Council Chambers would be available on Wednesday nights. Ms. Sherron said that there are meetings that are held in the Chambers 2:30 and 3:00 until 6 p.m. She said that they may last an hour or two, but there are occasions when they last until 6:00. Mr. Williams said that they are usually finished by 6:00 and if they do run over, he said that adjustments could be made.

Vice-Chair Gardner said he feels that it is important for the open sessions to be held in the Council Chambers whenever possible and that that should be taken into consideration when choosing a date. Mr. Williams said that was taken into account and if that were a problem, the date wouldn't have been suggested.

Commissioner Huerta said that Wednesdays would be better for her than Mondays because her work schedule was changing in October and she would be required to work the second and fourth Monday of the month for the next year.

Commissioner Floyd said he was reconsidering his motion based on Commissioner Ward having prior commitments. Commissioner Ward said he could meet any night but Wednesday night.

Commissioner Davidson noted that Mondays are a problem for him also. He said that he would be open to any other day but Monday. He said that he didn't think it would be a good thing to schedule the regular meeting for a time when one of the commissioners couldn't attend.

Commissioner Garcia said that since Commissioner Floyd was rescinding his motion, he was rescinding his second. He agreed with the other commissioners in that the meeting date and time should be set so that all the commissioners could attend.

Mr. Williams said that he was at a loss as to what to do since all the dates that the Council Chambers are available conflict with some of the commissioners' schedules. Commissioner Floyd suggested that the meetings be held during the day.

Commissioner Howe suggested a compromise and switch one meeting to another night and leave the other meeting on Monday. He noted that with nine commissioners and two staff, not everyone would be satisfied.

Chairperson Brewer said that a set date needed to be established for the public meeting and noted that a set date did not need to be made for the case review meetings.

Vice-Chair Gardner suggested that each day be reviewed and noted the restrictions for each weeknight, saying that Monday, Tuesday and Wednesday presented problems. He asked about Thursday. Commissioner Floyd said it was good for him, but it was not a good date for the Executive Director. Mr. Williams also noted that he didn't know if it would work for Commissioner Hendrick either.

Vice-Chair Gardner said that he has a conflict on the fourth Thursday of the month, but any other day is open.

Commissioner Floyd asked if we had to have evening meetings. He asked if an 8:00 a.m. or noon meeting were doable. Mr. Williams said that while we could choose any time we wanted. Chairperson Brewer noted that daytime meetings could conflict with other commissioners work schedules. Mr. Williams suggested that the meeting could be held at lunch, an extended lunch, and said that might work.

Commissioner Huerta asked when on Wednesday nights Commissioner Ward's prior commitments took place. Commissioner Ward said there would be a time conflict.

Commissioner Howe noted that day meetings would have a bearing on the public.

Chairperson Brewer asked if Commissioner Floyd's motion had been withdrawn. He confirmed that he was withdrawing his motion. Commissioner Garcia confirmed his withdrawal of his second. Chairperson Brewer asked if there was anyone had another motion to put up for consideration. Mr. Williams asked that the staff be given more time to work on the problem. He also advised that the October meeting might be changed to a different date. He said that Ms. Sherron would contact the commissioners regarding their top four choices of date and time in order to come up with a schedule that would accommodate everyone.

Chairperson Brewer asked that this be done as quickly as possible so that the commissioners could be given the new schedule.

Chair recognized a member of the public, Ms. Chani Beeman. Ms. Beeman said that she knew it was a complicated issued, but she strongly encouraged the Commission to keep the meetings in the evening because public opportunity to attend is greater in the evening and noted that the City Council moved their meetings to evenings to accommodate the public. She also said that future commissioners should be considered as they could have jobs that might prohibit them from attending day meetings.

Chairperson Brewer tabled this issue until the next regular meeting.

Discuss and vote on the signing of Ride-Along Waivers

Chairperson Brewer referred this item to Commissioner Ward.

Commissioner Ward noted that he had brought up this issue based on his two ride-alongs with RPD. On the first one he was not required to sign a waiver, but he was on the second. He had brought the issue before the Commission at the last meeting because he had been to a training session where they had been told that they were public agents as far as the city was concerned when it comes to conflicts of interest and ethical issues. He said he feels that the commissioners should be considered public agents when they go on ride-alongs because of the situations in which they could become involved when on a ride-along. He said that it didn't seem right to him that the commissioners should "sign away all our rights to provide a service to the city." He said that the issue was passed on to RPD and their response was that anyone who is not a sworn police officer has to sign a waiver. He said that he would like this issue addressed by the people who appointed the rather than the RPD.

The Chair referred comment to the Executive Director. Mr. Williams said that RPD's policy is that anyone who goes on a ride-along has to sign a waiver. He noted that while that policy doesn't appear to be universally applied, he doesn't know what criteria is used to determine who does or does not sign a waiver. He said that the Commission can make a formal policy recommendation regarding this issue and see what happens.

Chairperson Brewer said he thought the city attorney had said that while the commissioners are on ride-alongs there would be coverage. Mr. Williams said that if a citizen sues RPD and also sues a commissioner because they were there on ride-along, the city would cover that type of situation. But because commissioners are not employees, they wouldn't be covered by Workers' Compensation if they were injured.

Commissioner Howe said he felt it important that they find out whether or not the commissioners have to sign the waiver. Chairperson Brewer said the city attorney told him that when the deputy city attorneys go on ride-alongs, they have to sign the waiver. Commissioner Ward noted that they're covered because

they are employees, but the Chair stated that they still sign the waiver. Commissioner Floyd said that as employees, they can't waive their Workers' Compensation rights and if they are on ride-alongs on city business and they're injured, they do have coverage.

Commissioner Floyd also said that he recalled being told that the commissioners are expected to go on ride-alongs as part of their role on the Commission. He said that if they are being asked and expected to go on ride-alongs, then they should also have some sort of coverage, but if it's voluntary, he can understand the need to sign a waiver.

Mr. Williams said that, as it's been explained to him, there is coverage from a liability standpoint. He again said that if you're not a city employee, Workers' Compensation would not cover you. He said that there may be other insurance that could cover them as commissioners, but wasn't sure. Commissioner Floyd said that there is a provision in the labor code that allows a public agency to provide Workers' Compensation coverage for volunteers. He said that while employees can't sign away their Workers' Compensation rights, he doesn't know if that applies to volunteers. He said he was concerned that an injury situation could arise where neither the city nor the commissioner's insurance company would cover the injury. He concluded by saying that it is a significant legal issue that needs to be clarified.

Commissioner Gardner noted that formal volunteers register with Human Resources and report their hours and they are covered by Workers' Compensation. He said that the commissioners, as volunteers, could and ought to be covered in this circumstance. He said that he does a lot of volunteer work with the Fire Department. When he responds to a call, he's covered by Workers' Compensation. He said that he would like, as either a formal policy recommendation or in the form of a letter from the Commission, to ask for a waiver from signing the ride-along waiver. He noted that there are other RPD policies or procedures that are waived for commissioners and that there is no reason this can't be waived as well.

Mr. Williams said that he get a legal opinion on the issue. Chairperson Brewer asked that a letter be drafted to the City Manager with this request.

Commissioner Howe suggested that we get something in writing from the City Attorney stating that the commissioners are covered under Workers' Compensation should they be injured.

Commissioner Garcia reiterated the comments of the other commissioners. Commissioner Huerta said that it's a broader issue than just signing or not signing the waiver. She said that issues have been brought up that she'd not considered and said that the commissioners need to know if they are covered and if they are, what are they being covered for or by when doing ride-alongs as part of their duties as commissioners. She said that once this questions are answered, then they need to determine whether or not they need to sign the waiver, and if they sign are they giving away any rights to other types of recourse should they become injured or be party to a lawsuit.

Commissioner Davidson asked if the ride-alongs are mandatory. Mr. Williams said that it is highly encouraged for a variety of reasons and that it is part of a commissioner's training. Commissioner Davidson said he believes it's a good idea, but that it's going to come down to the legal issue of whether or not they are required to go on the ride-alongs.

Commissioner Floyd said there are a number of issues that need to be addressed: are ride-alongs mandatory and how does that affect the commissioners' rights.

Mr. Williams said that commissioners are encouraged to do ride-alongs as often as possible and noted that the Police Department has been very accommodating by allowing the commissioners to ride-along as often as they want. Chairperson Brewer noted that the CPRC By-Laws state that commissioners must go on at least one ride-along during training.

Commissioner Huerta made a motion that this issue be tabled until the next regularly open session to allow the Executive Director time conduct more research regarding the issues that have been raised. Commissioner Howe asked that Commissioner Floyd give Mr. Williams the legal issues that he's raised and assist Mr. Williams in drafting the letter to the City Manager. Mr. Williams said that he would take of

this the next day. Commissioner Garcia seconded the motion, which passed unanimously.

Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commissioners adjourned to Closed Session at 6:47 p.m. to review the following case(s) involving PUBLIC EMPLOYEE PERSONNEL MATTERS:

<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
02-053	PC-02-155-140
02-061	PC-02-165-333
02-063	PC-02-170-298
02-070	PC-02-186-322
02-079	PC-02-197-111
02-084	PC-02-213-142

The Commission adjourned at 8:02 p.m.

Respectfully submitted,

PHOEBE SHERRON
Sr. Office Specialist